

AN ORDINANCE

9 8 3 0 8

ACCEPTING THE LOW, QUALIFIED, RESPONSIVE BID OF E-Z BEL CONSTRUCTION , LTD. IN THE AMOUNT OF \$1,871,936.19 IN CONNECTION WITH THE WAVERLY FROM BANDERA TO GLENMORE, PHASE I & II COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT, LOCATED IN COUNCIL DISTRICT 7; AUTHORIZING THE NEGOTIATION AND EXECUTION OF A CONSTRUCTION CONTRACT; AUTHORIZING \$144,909.30 FOR MISCELLANEOUS CONSTRUCTION CONTINGENCY EXPENSES; AUTHORIZING \$101,436.51 FOR EXPENSE RECOVERY, AUTHORIZING \$5,000.00 FOR DESIGN CONTINGENCY EXPENSE; AUTHORIZING THE REIMBURSEMENT FROM SAN ANTONIO WATER SYSTEM (SAWS) IN THE AMOUNT OF \$326,703.15 FOR SEWER AND WATER EXPENSES; AUTHORIZING THE REIMBURSEMENT FROM CITY PUBLIC SERVICE (CPS) IN THE AMOUNT OF \$96,140.00, FOR A TOTAL AMOUNT OF \$2,123,282.00; APPROPRIATING FUNDS; REVISING THE PROJECT BUDGET; AND PROVIDING FOR PAYMENT.

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WHEREAS, the City Council has approved the Waverly from Bandera to Glenmore, Phase I & II Project as part of the Community Development Block Grant (CDBG) Program; and

WHEREAS, in connection with said Project, there exists a need for reconstruction of Rollins from Leo to Bandera and Waverly from Bandera to Glenmore to include parkway improvements such as new curbs, sidewalks and driveway approaches along with the necessary storm, sewer and utility improvements as well as the reconstruction of the concrete open drainage in the easement that connects Texas and Waverly Streets; and

WHEREAS, in order to commence performance of such work, it is necessary to accept the low, qualified, responsive bid of E-Z Bel Construction, Ltd.; **NOW THEREFORE:**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The low, qualified, responsive bid of E-Z Bel Construction, Ltd. in the amount of \$1,871,936.19 for the above-described reconstruction work in connection with the Waverly from Bandera to Glenmore, Phase I & II Community Development Block Grant (CDBG) Project is hereby accepted. The City Manager or, in her stead, either the Deputy City Manager, an Assistant City Manager, an Assistant to the City Manager or the Director of Public Works is hereby authorized to execute a standard form public works construction contracts for the jobs. A copy of the contractor's bid is affixed hereto and incorporated herein as Attachment I.

SECTION 2. All other bids received on this Project is rejected upon the occurrence of either the execution of a contract by the low qualified bidder and deposit of all required bonds and insurance certificates, or the expiration of sixty (60) days from the date of this Ordinance.

SECTION 3. The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific Index Codes and Fund Numbers as necessary to carry out the purpose of this Ordinance.

SECTION 4. Fund No. 26-013454, is hereby revised in accordance with the detailed budget schedule affixed hereto and incorporated herein for all purposes as Attachment II.

SECTION 5. The following sums are hereby authorized for encumbrance in and payment from Fund No. 26-013454:

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| \$1,871,936.19 | for construction expenses payable to E-Z Bel Construction, Ltd., Index Code No. 409078; |
| \$ 144,909.30 | for miscellaneous construction contingency expenses, Index Code No. 409086; |
| \$ 101,436.51 | for expense recovery, Index Code No. 409128; and |
| \$ 5,000.00 | for design contingency expenses, Index Code No. 394486. |

SECTION 6. The City hereby acknowledges and accepts the commitment of City Public Service (CPS) to pay for the costs of replacing its gas lines as necessitated in connection with the performance of this project. CPS shall make payment to the City for costs set forth in Attachment II, such costs totaling \$96,140.00. The Director of Public Works is hereby authorized to bill CPS for gas line replacement. Collections from CPS shall be forwarded to the Director of Finance and deposited in Project No. 26-013454. The budget of Project No. 26-013454 is hereby authorized to be supplemented in the amount of the sum required to complete the CPS gas line replacement, if such additional work is required, the construction contract herein awarded amended in accordance with the City's field alteration procedure, administratively or by ordinance as applicable.

SECTION 7. The City hereby acknowledges and accepts the commitment of the San Antonio Water System (SAWS) to pay for the cost of sewer and water work as necessitated in connection with the performance of this project, and for the cost of any additional work which may be required. SAWS shall make payment to the City for the costs set forth in Attachment II, such cost totaling \$326,703.15. For any additional work which may be required, SAWS has manifested their intent to pay their portion. The City is hereby authorized to collect from SAWS payment for any additional costs of such nature and the project budget is hereby authorized to be revised to so reflect. SAWS shall provide a copy of its resolution to City's Department of Public Works upon approval of this project. The Director of Public Works is hereby authorized to bill

SAWS for the cost of sewer and water work as necessitated in connection with the performance of this project and for any cost overruns required to complete the aforesaid SAWS sewer and water works construction. Collections from SAWS shall be forwarded to the Director of Finance and deposited in the Fund No. 26-013454. The budget of Fund No. 26-013454 is hereby authorized to be supplemented in the amount of the sum required to complete the cost of sewer and water work as necessitated in connection with the performance of this Project, if such additional work is required, and the construction contract herein awarded amended in accordance with the City's field alteration procedure, administratively or by ordinance as applicable.

SECTION 8. This Ordinance shall become effective on and after the tenth (10th) day after passage hereof.

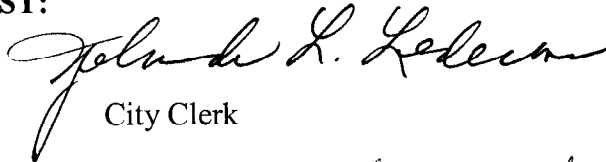
PASSED AND APPROVED this 16th day of October, 2003.



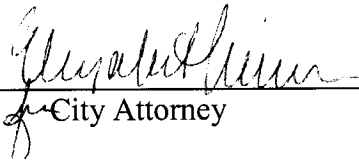
M A Y O R

EDWARD D. GARZA

ATTEST:


City Clerk

APPROVED AS TO FORM:


City Attorney